

Pisano, Frances

From: Bass, David
Sent: Tuesday, December 10, 2019 12:09 PM
To: Sears Ballot Invoices
Cc: Larry Winoker; Julie Rodriguez; Angelo Meszaros; Christine Kriegl
Subject: RE: Sears Administrative Expense Consent Program [IWOV-CSDOCS.FID1136347]
Attachments: Sears as of 12.09.19.xls.xlsx; 9007999054_9007999058.pdf; 9008004389_9008074323.pdf; 9008004388.pdf; 9007999057.pdf; 9008004390_9008004391.pdf; 9008020314.pdf; 9008020313.pdf; 9008020315.pdf; 9008020317.pdf; 9008020316.pdf; 9007999055_9007999056_9007999059.pdf; 9008020319.pdf; 9008020318.pdf; 9008020320.pdf; 9008020324.pdf; 9008020322.pdf; 9008020323.pdf; 9008020325.pdf; 9008065120.pdf; 9008020326.pdf; 9008065121.pdf; 9008060044_9008060045.pdf; 9008049413_9008049414.pdf; 9008069289_9008069290.pdf; 9008074322.pdf; 9008080321.pdf; 9008090909.pdf; 9008117857.pdf; 9008162577.pdf; 9008162578.pdf; 9008174314.pdf; 9008174313.pdf; 9008202936_9008202937_9008202938_9008202939.pdf; 9008202939.pdf; 9008202935.pdf; 9008169112.pdf; 9008202940.pdf; 9008210187_9008210188_9008210189_9008210190.pdf; Sears Payment of \$ 113,036.75.xls.xlsx

In accordance with the requests in the email below, attached is the requested Excel, together with backup documentation. The Excel responds to the information requests 1-8, and 10 in your email. Responses to items 9 and 11-14 are in **red** below.

9. 503(b)(9) "Y" or "N": (mark "Y" next to any invoices you believe are entitled to priority pursuant to section 503(b)(9) of the United States Bankruptcy Code) **None of the invoices are entitled to priority under section 503(b)(9) of the Bankruptcy Code. Accordingly, there is no column on the spreadsheet asserting the right to payment under that section.**

11. Indicate whether you have previously filed a proof of claim for any amounts claimed in your Administrative Expense Consent Program Ballot. **Lifetime Brands has not filed a proof of claim for any amounts claimed in the Administrative Expense Consent Program Ballots. As we understand it, there has been no bar date set for administrative expense claims yet, which was confirmed by Michael Buschmann at Weil during my telephone conversation with him on November 19, 2019.**

12. Indicate whether you have previously filed a motion seeking payment for any amounts claimed in your Administrative Expense Consent Program Ballot. **Lifetime Brands has not filed a motion seeking payment for any amounts claimed in the Administrative Expense Consent Program Ballots. Michael Buschmann at Weil similarly confirmed that notwithstanding the footnote on the ballot, that no motion or request other than as set forth in the ballot was required (at least at this time).**

13. List of payments received from Sears and its affiliates **90 days prior to the bankruptcy filing** on October 15, 2018 (for the period of July 15, 2018 through October 14, 2018) **These payments are not included on the Excel. However, for your reference, during that period, Lifetime Brands received one payment on July 25, 2018 (in the amount of \$ 113,036.75). That payment was a cash in advance payment and was subsequently applied to August 2018 shipments. The details relating to the shipments to which the payment was applied are included on a second Excel attached hereto. Of course, because this payment was not on account of an antecedent debt, i.e., as cash in advance, it is not a preferential transfer. Of course, we would like confirmation as part of any settlement under the consent program that the estate has no preference claims against Lifetime Brands.**

14. Other info that may be relevant to reconcile the ballot amount submitted **We know of nothing further at this time, but if there is something that comes to mind afterward, we will provide. Of course, if there is anything else you need, I presume you will ask the Lifetime Brands team members below, or me, and we will diligently work to get that additional requested information to you.**

Please coordinate with the following individuals at Lifetime Brands, each of whom are copied here, to reconcile the claim:

Julie Rodriguez - julie.rodriguez@lifetimebrands.com

Angelo Meszaros - angelo.meszaros@lifetimebrands.com

Christine Kriegl - christine.kriegl@lifetimebrands.com

If you or counsel require anything from the legal side, please let me know. Otherwise, it would be most efficient to address the reconciliation items with the company directly.

Thanks. David



David M. Bass

Member

25 Main Street | Hackensack, NJ | 07601

Direct 646.563.8932 | Firm 212.752.8000 | Fax 646.563.7932 | Cell 201.927.5668 | dbass@coleschotz.com

New Jersey | New York | Delaware | Maryland | Texas | Florida

[vCard](#) | [bio](#) | [website](#)

Legal Practice Assistant: Karen Jeffreys | 201.489.3000 x 5089 | KJeffreys@coleschotz.com

From: Sears Ballot Invoices <searsballotinvoices@miiipartners.com>

Sent: Tuesday, November 19, 2019 2:20 PM

To: Bass, David <DBass@coleschotz.com>

Subject: Sears Administrative Expense Consent Program

RE: Sears Administrative Expense Consent Program Ballot ID 182353801014761: LIFETIME BRANDS INC,

Hello,

You are receiving this email because you checked the "Opt-In" box on a Sears Administrative Expense Consent Program Ballot.

M-III Partners is the Restructuring Professional for Sears, Kmart and their affiliates, reconciling the Administrative Expense Consent Program Ballots. For your reference, a copy of the court order approving M-III's retention can be found at the link below:

[\[Docket 814\] M-III Retention Order](#) 

To facilitate the reconciliation of the amounts you have claimed, we request that you please provide supporting information in **Excel as soon as possible** for the amount that was submitted on your Administrative Expense Consent Program Ballot.

Please reply with your Ballot ID number and Creditor name.

Include the following fields at a minimum (if applicable):

1. DUNS (unique identifier(s) with Sears, Kmart and their affiliates)
2. DBA name(s) (Doing Business As, if there is another name your company goes by)
3. Invoice Number
4. Purchase Order Number (if applicable)

5. Invoice Date
6. Dates of Service the Invoice Covers (if applicable)
7. Invoice Amount
8. Property Tax Notice (if applicable)
9. 503(b)(9) "Y" or "N": (mark "Y" next to any invoices you believe are entitled to priority pursuant to section 503(b)(9) of the United States Bankruptcy Code)
10. Administrative "Y" or "N" (Post-petition/Post-Bankruptcy): (mark "Y" next to any invoices you believe are post-petition/post-bankruptcy administrative invoices)
11. Indicate whether you have previously filed a proof of claim for any amounts claimed in your Administrative Expense Consent Program Ballot.
12. Indicate whether you have previously filed a motion seeking payment for any amounts claimed in your Administrative Expense Consent Program Ballot.
13. List of payments received from Sears and its affiliates **90 days prior to the bankruptcy filing** on October 15, 2018 (for the period of July 15, 2018 through October 14, 2018)
14. Other info that may be relevant to reconcile the ballot amount submitted

Best regards,

Chris Casamassima
M-III Partners, L.P.
130 West 42nd St., 17th Floor
New York, NY 10036
searsballotinvoices@miiipartners.com
(o): 212-804-9742

This message contains information which may be confidential and privileged. Unless you are the intended addressee (or authorized to receive for the intended addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply email or by calling 212-716-1491 and delete the message.